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 6 THE HERSHEY COMPANY, HERSHEY
 CHOCOLATE & CONFECTIONARY
 7 CORPORATION

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12 Attorneys for Plaintiffs
 Counter-claim defendants
 13 CHOCOLADEFABRIKEN LINDT &
 SPRUNGLI AG and GHIRARDELLI
 14 CHOCOLATE COMPANY

15 UNITED STATES DISTRICT COURT
 16 NORTHERN DISTRICT OF CALIFORNIA

17 CHOCOLADEFABRIKEN LINDT &
 18 SPRUNGLI AG, *et al.*,
 Plaintiffs,

19 v.

20 THE HERSHEY COMPANY, *et al.*,
 21 Defendants.

22 THE HERSHEY COMPANY, *et al.*,
 23 Counterclaim-plaintiffs,

24 v.

25 CHOCOLADEFABRIKEN LINDT &
 26 SPRUNGLI AG, *et al.*,
 Counterclaim-defendants.

Case No. CV-08-5354 MMC

**STIPULATION AND ~~PROPOSED~~
 AMENDED PRETRIAL
 PREPARATION ORDER**

**The Honorable
 Judge Maxine M. Chesney**

1 Defendants-Counterclaim-Plaintiffs The Hershey Company and Hershey Chocolate &
2 Confectionery Corporation (hereinafter collectively referred to as "Hershey") and Plaintiffs-
3 Counterclaim-Defendants Chocoladefabriken Lindt & Sprungli AG and Ghirardelli Chocolate
4 Company (hereinafter collectively referred to as "Lindt") hereby stipulate as follows:

5 **WHEREAS**, on September 2, 2009, the Court granted the parties' proposed order which
6 suspended for thirty days all deadlines in the case as set forth in the Court's March 30, 2009
7 Pretrial Preparation Order, so that the parties could focus on settlement, and which further
8 provided that the parties could submit a joint and stipulated case schedule on or before
9 October 15, 2009;

10 **WHEREAS**, the parties are continuing to work towards a final settlement agreement but
11 have not executed a settlement agreement.

12 **NOW THEREFORE**, the parties hereby stipulate and agree, through their counsel of
13 record and with good cause having been shown, and respectfully request that the Court revise the
14 dates set forth in the March 30, 2009 Pretrial Preparation Order as follows:

15 JURY TRIAL DATE: Monday, November 15, 2010 at 9:00 a.m., Courtroom 7, 19th floor.

16 NON-EXPERT DISCOVERY CUTOFF: April 12, 2010.

17 DESIGNATION OF EXPERTS:

18 Plaintiff/Defendant: No later than March 1, 2010.

19 Plaintiff/Defendant: Expert Reports no later than March 15, 2010.

20 Plaintiff/Defendant: Rebuttal Expert Reports no later than May 10, 2010.

21 EXPERT DISCOVERY CUTOFF: June 10, 2010.

22 DISPOSITIVE MOTIONS shall be filed no later than July 30, 2010, and shall be noticed
23 for hearing 35 days thereafter.

24 PRETRIAL CONFERENCE DATE: November 1, 2010 at 3:00 p.m.

25 MEET AND CONFER (Civil L.R. 16-10(b)(5)): Lead trial counsel shall meet and confer no later
26 than September 24, 2010.

27 FURTHER STATUS CONFERENCE: Friday, September 10, 2010 at 10:30 a.m.

28 FURTHER STATUS CONFERENCE STATEMENT DUE: Friday, September 3, 2010.

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IT IS SO STIPULATED:

DATED: October 15, 2009

PERKINS COIE LLP

By: /s/
Jason A. Yurasek

Attorneys for Plaintiffs
CHOCOLADEFABRIKEN LINDT &
SPRUNGLI AG and GHIRARDELLI
CHOCOLATE COMPANY

DATED: October 15, 2009

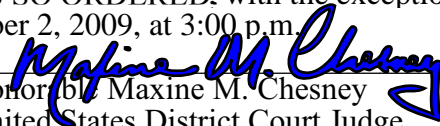
KAYE SCHOLER LLP

By: /s/
Aton Arbisser

Attorneys for Defendants
THE HERSHEY COMPANY and HERSHEY
CHOCOLATE & CONFECTIONERY
CORPORATION

~~**PROPOSED**~~ ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED, with the exception that the
Pretrial Conference is set for Tuesday, November 2, 2009, at 3:00 p.m.
Dated: October 21, 2009


Honorable Maxine M. Chesney
United States District Court Judge

ATTESTATION

I hereby attest that express concurrence in the filing of this document has been obtained
from the other signatory whose conformed signature appears on this efiled document.

DATED: October 15, 2009

PERKINS COIE LLP

By: /s/
Jason A. Yurasek

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